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Attorney Docket No.  
**D/A1750D**

on 12/3/2003  
Date

Francie S. LePore  
Francie S. LePore

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Joel A. Kubby et al.

Group Art Unit:

Application No.: (not assigned yet)

Examiner:

Filed: (concurrently herewith)

For: BISTABLE MICROELECTROMECHANICAL SYSTEM BASED STRUCTURES, SYSTEMS AND METHODS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) and information listed on the attached PTO-1449 Form. One legible copy of each is attached to the PTO-1449 Form, except for U.S. Patents or published U.S. applications. It is respectfully requested that the references and information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of the above application (which is not a CPA), **OR** (b) before the mailing date of a first Office Action on the merits. *No certification or fee is required.*
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date **AND** after the date of the first Office Action on the merits, but before the mailing date of a Final Rejection, Notice of Allowance, or other action that closes prosecution. Please debit Xerox Corporation Deposit Account 24-0025 in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). *(A copy of this paper is attached.)*
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance; **AND**
  - a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1); **(OR)**

- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c), more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2)
- 4. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection or Notice of Allowance, but before the payment of the Issue Fee. Please debit Xerox Corporation Deposit Account 24-0025 in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p) (*A copy of this paper is attached*); AND
  - a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1); **(OR)**
  - b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2)
- 5. Per 37 C.F.R. 1.98(a)(3), a concise explanation of the relevance of each of any submitted item that is NOT in the English language is either enclosed herewith, or incorporated in the application specification.
- 6. A copy of an English language version of an above-referenced counterpart foreign application search report is attached.
- 7. Copies of some or all of the subject references were cited by, or submitted to the Office in related parent Application No. 10/063,762, filed 05/10/2002, which is relied upon under 35 U.S.C. §120. Thus, copies of these references are not attached (except for copies of cited pending applications). 37 C.F.R. §1.98(d).
- 8. A copy of each copending application recited in the parent application of paragraph 7 above, and/or a copy of other related copending applications, is enclosed.



Christopher D. Wait

Signature under 37 CFR 1.33 & 34

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Date 12/03/2003

Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. <b>DA1750D</b>	APPLICATION NO. 10/063,762	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)						
				APPLICANTS Joel A. KUBBY et al.		
				FILING DATE		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
		6,168,395 B1	01/02/2001	Quenzer et al.		
		6,303,885 B1	10/16/2001	Hichwa et al.		
FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)						
		Saif, "On a Tunable Bistable MEMS-Theory and Experiment", Journal of Microelectromechanical Systems, vol. 9, no. 2, pp. 157-170, June 2000.				
		Vangbo et al., "A lateral symmetrically bistable buckled beam", J. Micromech. Micreng., 8 (1998), pp. 29-32.				
EXAMINER				DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						